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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/818,545

03/28/2001

Shuntaro Aratani

03500.015233.

9431

5514 7590 12/04/2008
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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

12/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/818,545	Applicant(s) ARATANI ET AL.	
	Examiner Jason P. Salce	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 81, 82, 88 and 89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 81-82 and 88-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 81-82 and 88-89 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 81-82 and 88-89 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi (U.S. Patent No. 6,681,395) in view of Yuen et al. (U.S. Patent No. 5,307,173).

Referring to claim 81, Nishi discloses a data-broadcasting receiving apparatus **(see subscriber terminal 4 in Figure 1)**.

Nishi also discloses receiving means for receiving data-broadcasting data including a plurality of movie contents **(see Figure 1, Column 4, Lines 38-40 and Column 7, Lines 32-35 for storing EPG data received from broadcasting station 2)**, each movie content having category information **(see Figure 9A for the EPG data including category data 103)**.

Nishi also discloses generating means for laying out the plurality of movie contents based on the category information of each movie content **(see Column 13,**

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Lines 29-38 and step 320 in Figure 13 for laying out a plurality of movie/program contents based on a category information in program template 182), and generating print data for printing out the laid-out contents (see Column 13, Lines 58-60 and Figure 3 for displaying the EPG on a display screen).

Nishi also discloses that each movie content contains a unique code effecting execution of a play process of each movie content (**see Figures 3 and 9A for displaying program in an EPG that allows a user to view a selected program**).

Nishi also discloses output means for outputting to a printer the print data generated by said generating means (**see Column 13, Lines 66-67 for printing a displayed program guide**).

Nishi also discloses an operating means for inputting commands to view movie content (**see remote controller 49 in Figure 1 and Column 4, Lines 33-35 and Column 12, Lines 13-22**).

Nishi fails to disclose assigning means for automatically assigning a unique numerical code to each movie content and that the operating means has numerical keys for inputting said unique numerical codes of each movie content assigned by said assigning means in accordance with a user operation and executing the play process of each movie content corresponding to the input numerical codes.

Yuen discloses assigning means for automatically assigning a unique numerical code to each movie content (**see Column 10, Lines 59-66 for encoding a unique numerical code to each program**) and that the operating means has numerical keys for inputting said unique numerical codes of each movie content assigned by said

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assigning means in accordance with a user operation (**see Figure 1, Column 5, Lines 29-57, Column 16, Lines 30-52 and Column 18, Lines 46-48 for entering the unique numerical code that causes a VCR to play and record a television program**) and executing the play process of each movie content corresponding to the input numerical codes (**see Column 18, Lines 59-60 for using the unique code entered by the viewer to tune (play process) to the television program and record the television program**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program content transmitted, received and displayed, as taught by Nishi, using the unique codes, as taught by Yuen, for the purpose of allowing a user to take advantage of the recording feature of a VCR more fully and freely (**see Column 2, Lines 22-23 of Yuen**).

Referring to claim 82, Yuen discloses that said assigning means assigns the numerical code to each movie content so that the assigned numerical code becomes smaller as the priority of each movie content becomes higher (**see Column 28, Lines 61-67 for assigning more popular programs to a lower priority number and assigning less popular programs to a higher priority number**).

Referring to claims 88-89, see the rejection of claims 81-82, respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

November 12, 2008